



General Assembly

**Substitute Bill No. 6702**

January Session, 2013



**AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 46b-15 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2013*):

4 (b) The application form shall allow the applicant, at the applicant's  
5 option, to indicate whether the respondent holds a permit to carry a  
6 pistol or revolver or possesses one or more firearms. The application  
7 shall be accompanied by an affidavit made under oath which includes  
8 a brief statement of the conditions from which relief is sought. Upon  
9 receipt of the application the court shall order that a hearing on the  
10 application be held not later than fourteen days from the date of the  
11 order. The court, in its discretion, may make such orders as it deems  
12 appropriate for the protection of the applicant and such dependent  
13 children or other persons as the court sees fit. In making such orders,  
14 the court, in its discretion, may consider relevant court records if the  
15 records are available to the public from a clerk of the Superior Court or  
16 on the Judicial Branch's Internet web site. Such orders may include  
17 temporary child custody or visitation rights, and such relief may  
18 include, but is not limited to, an order: [enjoining the respondent from  
19 (1)] (1) Enjoining the respondent from imposing any restraint upon the

20 person or liberty of the applicant; (2) enjoining the respondent from  
21 threatening, harassing, assaulting, molesting, sexually assaulting or  
22 attacking the applicant; [or] (3) enjoining the respondent from entering  
23 the family dwelling or the dwelling of the applicant; or (4) if the  
24 respondent has the legal duty to do so and the ability to pay, and if  
25 necessary for the safety or to maintain the basic needs of the applicant  
26 or the respondent's dependent children, ordering the respondent to (A)  
27 provide financial assistance to the applicant for a period of up to one  
28 hundred twenty days, and (B) maintain utility services provided to the  
29 family dwelling or dwelling of the applicant if the applicant and  
30 respondent resided together on the date of the application. Such order  
31 may also include provisions necessary to protect any animal owned or  
32 kept by the applicant including, but not limited to, an order enjoining  
33 the respondent from injuring or threatening to injure such animal. If an  
34 applicant alleges an immediate and present physical danger to the  
35 applicant, the court may issue an ex parte order granting such relief as  
36 it deems appropriate, except that such ex parte order shall not include  
37 the relief set forth in subdivision (4) of this subsection. If a  
38 postponement of a hearing on the application is requested by either  
39 party and granted, the order shall not be continued except upon  
40 agreement of the parties or by order of the court for good cause shown.

41 Sec. 2. Subsection (a) of section 53a-32 of the general statutes is  
42 repealed and the following is substituted in lieu thereof (*Effective*  
43 *October 1, 2013*):

44 (a) At any time during the period of probation or conditional  
45 discharge, the court or any judge thereof may issue a warrant for the  
46 arrest of a defendant for violation of any of the conditions of probation  
47 or conditional discharge, or may issue a notice to appear to answer to a  
48 charge of such violation, which notice shall be personally served upon  
49 the defendant. Any such warrant shall authorize all officers named  
50 therein to return the defendant to the custody of the court or to any  
51 suitable detention facility designated by the court. Whenever a  
52 probation officer has probable cause to believe that a person has

53 violated a condition of such person's probation, such probation officer  
54 may notify any police officer that such person has, in such officer's  
55 judgment, violated the conditions of such person's probation and such  
56 notice shall be sufficient warrant for the police officer to arrest such  
57 person and return such person to the custody of the court or to any  
58 suitable detention facility designated by the court. Whenever a  
59 probation officer so notifies a police officer, the probation officer shall  
60 notify the victim of the offense for which such person is on probation,  
61 and any victim advocate assigned to assist the victim, provided the  
62 probation officer has been provided with the name and contact  
63 information for such victim or victim advocate. Any probation officer  
64 may arrest any defendant on probation without a warrant or may  
65 deputize any other officer with power to arrest to do so by giving such  
66 other officer a written statement setting forth that the defendant has, in  
67 the judgment of the probation officer, violated the conditions of the  
68 defendant's probation. Such written statement, delivered with the  
69 defendant by the arresting officer to the official in charge of any  
70 correctional center or other place of detention, shall be sufficient  
71 warrant for the detention of the defendant. After making such an  
72 arrest, such probation officer shall present to the detaining authorities  
73 a similar statement of the circumstances of violation. Provisions  
74 regarding release on bail of persons charged with a crime shall be  
75 applicable to any defendant arrested under the provisions of this  
76 section. Upon such arrest and detention, the probation officer shall  
77 immediately so notify the court or any judge thereof.

78 Sec. 3. Subparagraph (K) of subdivision (7) of subsection (b) of  
79 section 54-203 of the general statutes is repealed and the following is  
80 substituted in lieu thereof (*Effective October 1, 2013*):

81 (K) Subject to the provisions of section 53a-32, as amended by this  
82 act, the victim and any victim advocate assigned to assist the victim  
83 may receive notification from a probation officer whenever the officer  
84 has notified a police officer that the probation officer has probable  
85 cause to believe that the offender has violated a condition of such

86 offender's probation.

87 Sec. 4. Subsection (j) of section 46b-38c of the general statutes is  
88 repealed and the following is substituted in lieu thereof (*Effective*  
89 *October 1, 2013*):

90 (j) The Judicial Department shall establish an ongoing training  
91 program for judges, Court Support Services Division personnel,  
92 guardians ad litem and clerks to inform them about the policies and  
93 procedures of sections 46b-1, 46b-15, as amended by this act, 46b-38a to  
94 46b-38f, inclusive, and 54-1g, including, but not limited to, the function  
95 of the family violence intervention units and the use of restraining and  
96 protective orders.

97 Sec. 5. Section 47a-11e of the general statutes is repealed and the  
98 following is substituted in lieu thereof (*Effective October 1, 2013*):

99 (a) Notwithstanding the provisions of this chapter and chapter 831,  
100 for rental agreements entered into or renewed on or after January 1,  
101 2011, any tenant who (1) is a victim of family violence, as defined in  
102 section 46b-38a, and (2) reasonably believes it is necessary to vacate the  
103 dwelling unit due to fear of imminent harm to the tenant or a  
104 dependent of the tenant because of family violence, may terminate his  
105 or her rental agreement with the landlord for the dwelling unit that the  
106 tenant occupies without penalty or liability for the remaining term of  
107 the rental agreement by giving written notice to the landlord at least  
108 thirty days prior to the date the tenant intends to terminate the rental  
109 agreement. Notwithstanding the provisions of this chapter and chapter  
110 831, for rental agreements entered into or renewed on or after January  
111 1, 2014, any tenant who (A) is a victim of sexual assault under any  
112 provision of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b  
113 or 53a-73a, or is the parent or guardian with physical custody of a  
114 dependent who is the victim of sexual assault under section 53a-70c,  
115 and (B) reasonably believes it is necessary to vacate the dwelling unit  
116 due to fear of imminent harm to the tenant or a dependent of the  
117 tenant because of such sexual assault, may terminate his or her rental

118 agreement with the landlord for the dwelling unit that the tenant  
119 occupies without penalty or liability for the remaining term of the  
120 rental agreement by giving written notice to the landlord at least thirty  
121 days prior to the date the tenant intends to terminate the rental  
122 agreement.

123 (b) Such notice shall include: (1) A statement made under oath or  
124 affirmation that (A) the tenant or a dependent of the tenant is a victim  
125 of family violence or sexual assault, as the case may be; (B) the tenant  
126 intends to terminate the rental agreement and the date of such  
127 intended termination; and (C) the tenant has vacated the premises and  
128 removed all of his or her possessions and personal effects or, prior to  
129 the date of such termination, will vacate the premises and remove all  
130 of his or her possessions and personal effects and, if such possessions  
131 and personal effects have not been removed by the date of such  
132 termination, has abandoned such possessions and personal effects; and  
133 (2) (A) a copy of a police or court record detailing an act of family  
134 violence or sexual assault against the tenant or the tenant's dependent  
135 that is dated not more than ninety days prior to the date of the tenant's  
136 notice, or (B) a signed written statement from an employee of the  
137 Office of Victim Services within the Judicial Department or the Office  
138 of Victim Advocate detailing an act of family violence or sexual assault  
139 against the tenant or the tenant's dependent that is dated not more  
140 than thirty days prior to the date of the tenant's notice.

141 (c) The tenant's termination of his or her rental agreement with the  
142 landlord pursuant to this section shall not relieve (1) the tenant from  
143 liability to the landlord for any rent arrearage incurred prior to such  
144 termination of the rental agreement or from liability to the landlord for  
145 property damage caused by the tenant, or (2) any other tenant from  
146 liability to the landlord under the rental agreement.

147 (d) If the tenant terminates his or her rental agreement with the  
148 landlord pursuant to this section, any occupant without the right or  
149 privilege to occupy such dwelling unit shall vacate the premises prior  
150 to the date of such termination.

151 (e) If such tenant or occupant fails to vacate the premises as of the  
152 date of such termination, the landlord may bring an action pursuant to  
153 chapter 832.

154 (f) The landlord may bring an action in the housing session of the  
155 Superior Court for injunctive relief to prevent the termination of the  
156 rental agreement if the requirements set forth in this section for such  
157 termination have not been satisfied.

158 Sec. 6. Subsection (a) of section 8-357 of the general statutes is  
159 repealed and the following is substituted in lieu thereof (*Effective*  
160 *October 1, 2013*):

161 (a) The state, acting by and in the discretion of the Commissioner of  
162 Economic and Community Development, may enter into a contract  
163 with a community housing development corporation, a municipal  
164 developer or a nonprofit corporation for state financial assistance in  
165 the form of a state grant-in-aid, loan, deferred loan, loan guarantee or  
166 interest subsidy for the cost of acquisition, construction, rehabilitation  
167 or renovation of multifamily dwellings for persons and families whose  
168 adjusted monthly income does not exceed fifty per cent of the median  
169 household income, as determined by the commissioner, for the area in  
170 which they reside and who have received emergency shelter services  
171 or shelter services for [battered women] victims of domestic violence  
172 and are in need of transitional housing and support services for a  
173 period of six to twenty-four months. Such housing and services shall  
174 be designed to enable such persons to maintain their current jobs,  
175 improve their employment skills, retrain for different occupations or  
176 continue their education. Such services may include, without  
177 limitation, information and referral; counseling and support groups;  
178 aid in finding vocational training, education or employment; health,  
179 nutrition, fitness and recreation programs; child care; transportation;  
180 legal aid; and financial counseling. In the case of a deferred loan, the  
181 contract shall require that payments on interest are due immediately  
182 but that payments on principal may be made at a later time.

183 Sec. 7. Subparagraph (B) of subdivision (7) of section 12-81 of the  
184 general statutes is repealed and the following is substituted in lieu  
185 thereof (*Effective October 1, 2013*):

186 (B) On and after July 1, 1967, housing subsidized, in whole or in  
187 part, by federal, state or local government and housing for persons or  
188 families of low and moderate income shall not constitute a charitable  
189 purpose under this section. As used in this subdivision, "housing" shall  
190 not include real property used for temporary housing belonging to, or  
191 held in trust for, any corporation organized exclusively for charitable  
192 purposes and exempt from taxation for federal income tax purposes,  
193 the primary use of which property is one or more of the following: (i)  
194 An orphanage; (ii) a drug or alcohol treatment or rehabilitation facility;  
195 (iii) housing for homeless individuals, mentally or physically  
196 handicapped individuals or persons with intellectual disability, or for  
197 [battered or abused women and children] victims of domestic violence;  
198 (iv) housing for ex-offenders or for individuals participating in a  
199 program sponsored by the state Department of Correction or Judicial  
200 Branch; and (v) short-term housing operated by a charitable  
201 organization where the average length of stay is less than six months.  
202 The operation of such housing, including the receipt of any rental  
203 payments, by such charitable organization shall be deemed to be an  
204 exclusively charitable purpose;

205 Sec. 8. Subsection (b) of section 17a-101 of the general statutes is  
206 repealed and the following is substituted in lieu thereof (*Effective*  
207 *October 1, 2013*):

208 (b) The following persons shall be mandated reporters: Any  
209 physician or surgeon licensed under the provisions of chapter 370, any  
210 resident physician or intern in any hospital in this state, whether or not  
211 so licensed, any registered nurse, licensed practical nurse, medical  
212 examiner, dentist, dental hygienist or psychologist, a school employee,  
213 as defined in section 53a-65, social worker, police officer, juvenile or  
214 adult probation officer, juvenile or adult parole officer, member of the  
215 clergy, pharmacist, physical therapist, optometrist, chiropractor,

216 podiatrist, mental health professional or physician assistant, any  
217 person who is a licensed or certified emergency medical services  
218 provider, any person who is a licensed or certified alcohol and drug  
219 counselor, any person who is a licensed marital and family therapist,  
220 any person who is a sexual assault counselor or a [battered women's]  
221 domestic violence counselor, as defined in section 52-146k, as amended  
222 by this act, any person who is a licensed professional counselor, any  
223 person who is a licensed foster parent, any person paid to care for a  
224 child in any public or private facility, child day care center, group day  
225 care home or family day care home licensed by the state, any employee  
226 of the Department of Children and Families, any employee of the  
227 Department of Public Health who is responsible for the licensing of  
228 child day care centers, group day care homes, family day care homes  
229 or youth camps, the Child Advocate and any employee of the Office of  
230 the Child Advocate and any family relations counselor, family  
231 relations counselor trainee or family services supervisor employed by  
232 the Judicial Department.

233 Sec. 9. Subdivision (1) of subsection (a) of section 17b-112a of the  
234 general statutes is repealed and the following is substituted in lieu  
235 thereof (*Effective October 1, 2013*):

236 (1) "Victim of domestic violence" means a person who has been  
237 [battered] abused or subjected to extreme cruelty by: (A) Physical acts  
238 that resulted in or were threatened to result in physical injury; (B)  
239 sexual abuse; (C) sexual activity involving a child in the home; (D)  
240 being forced to participate in nonconsensual sexual acts or activities;  
241 (E) threats of or attempts at physical or sexual abuse; (F) mental abuse;  
242 or (G) neglect or deprivation of medical care; and

243 Sec. 10. Subsection (a) of section 17b-407 of the general statutes is  
244 repealed and the following is substituted in lieu thereof (*Effective*  
245 *October 1, 2013*):

246 (a) Any physician or surgeon licensed under the provisions of  
247 chapter 370, any resident physician or intern in any hospital in this



248 state, whether or not so licensed, and any registered nurse, licensed  
249 practical nurse, medical examiner, dentist, optometrist, chiropractor,  
250 podiatrist, social worker, clergyman, police officer, pharmacist,  
251 physical therapist, long-term care facility administrator, nurse's aide or  
252 orderly in a long-term care facility, any person paid for caring for a  
253 patient in a long-term care facility, any staff person employed by a  
254 long-term care facility and any person who is a sexual assault  
255 counselor or a [battered women's] domestic violence counselor as  
256 defined in section 52-146k, as amended by this act, who has reasonable  
257 cause to suspect or believe that a resident in a long-term care facility  
258 has been abused, neglected, exploited or abandoned, or is in a  
259 condition that is the result of such abuse, neglect, exploitation or  
260 abandonment, shall, not later than seventy-two hours after such  
261 suspicion or belief arose, report such information or cause a report to  
262 be made in any reasonable manner to the Commissioner of Social  
263 Services pursuant to chapter 319dd. Any person required to report  
264 under the provision of this section who fails to make such report  
265 within the prescribed time period shall be fined not more than five  
266 hundred dollars, except that, if such person intentionally fails to make  
267 such report within the prescribed time period, such person shall be  
268 guilty of a class C misdemeanor for the first offense and a class A  
269 misdemeanor for any subsequent offense.

270 Sec. 11. Subsection (a) of section 46a-11b of the general statutes is  
271 repealed and the following is substituted in lieu thereof (*Effective*  
272 *October 1, 2013*):

273 (a) Any physician or surgeon licensed under the provisions of  
274 chapter 370, any resident physician or intern in any hospital in this  
275 state, whether or not so licensed, any registered nurse, any person paid  
276 for caring for persons in any facility and any licensed practical nurse,  
277 medical examiner, dental hygienist, dentist, occupational therapist,  
278 optometrist, chiropractor, psychologist, podiatrist, social worker,  
279 school teacher, school principal, school guidance counselor, school  
280 paraprofessional, mental health professional, physician assistant,

281 licensed or certified substance abuse counselor, licensed marital and  
282 family therapist, speech and language pathologist, clergyman, police  
283 officer, pharmacist, physical therapist, licensed professional counselor  
284 or sexual assault counselor or [battered women's] domestic violence  
285 counselor, as defined in section 52-146k, as amended by this act, who  
286 has reasonable cause to suspect or believe that any person with  
287 intellectual disability has been abused or neglected shall, as soon as  
288 practicable but not later than seventy-two hours after such person has  
289 reasonable cause to suspect or believe that a person with intellectual  
290 disability has been abused or neglected, report such information or  
291 cause a report to be made in any reasonable manner to the director or  
292 persons the director designates to receive such reports. Such initial  
293 report shall be followed up by a written report not later than five  
294 calendar days after the initial report was made. Any person required to  
295 report under this subsection who fails to make such report shall be  
296 fined not more than five hundred dollars.

297 Sec. 12. Subsection (f) of section 46b-38b of the general statutes is  
298 repealed and the following is substituted in lieu thereof (*Effective*  
299 *October 1, 2013*):

300 (f) The Police Officer Standards and Training Council, in  
301 conjunction with the Division of Criminal Justice, shall establish an  
302 education and training program for law enforcement officers,  
303 supervisors and state's attorneys on the handling of family violence  
304 incidents. Training under such program shall: (1) Stress the  
305 enforcement of criminal law in family violence cases and the use of  
306 community resources, and include training for peace officers at both  
307 recruit and in-service levels; and (2) include, but not be limited to: (A)  
308 The nature, extent and causes of family violence; (B) legal rights of and  
309 remedies available to victims of family violence and persons accused  
310 of family violence; (C) services and facilities available to victims and  
311 [batterers] persons who commit acts of family violence; (D) legal duties  
312 imposed on police officers to make arrests and to offer protection and  
313 assistance, including applicable probable cause standards; and (E)

314 techniques for handling incidents of family violence that minimize the  
315 likelihood of injury to the officer and promote the safety of the victim.  
316 On and after July 1, 2010, training under such program shall also  
317 include, within available appropriations, information on (i) the impact  
318 of arrests of multiple parties in a family violence case on the  
319 immigration status of the parties; (ii) crime scene investigation and  
320 evaluation practices in family violence cases designed by the council to  
321 reduce the number of multiple arrests in family violence cases; and (iii)  
322 practical considerations in the application of [state] the general statutes  
323 related to family violence. On and after July 1, 2010, such training shall  
324 also address, within available appropriations, eligibility for federal T  
325 Visas for victims of human trafficking and federal U Visas for  
326 unauthorized immigrants who are victims of family violence and other  
327 crimes.

328       Sec. 13. Subsection (d) of section 46b-38c of the general statutes is  
329 repealed and the following is substituted in lieu thereof (*Effective*  
330 *October 1, 2013*):

331       (d) In all cases of family violence, a written or oral report that  
332 indicates whether the parties in the family violence case are parties to a  
333 case pending on the family relations docket of the Superior Court and  
334 includes recommendation of the local family violence intervention unit  
335 shall be available to a judge at the first court date appearance to be  
336 presented at any time during the court session on that date. A judge of  
337 the Superior Court may consider and impose the following conditions  
338 to protect the parties, including, but not limited to: (1) Issuance of a  
339 protective order pursuant to subsection (e) of this section; (2)  
340 prohibition against subjecting the victim to further violence; (3) referral  
341 to a family violence education program for [batterers] persons who  
342 commit acts of family violence; and (4) immediate referral for more  
343 extensive case assessment. Such protective order shall be an order of  
344 the court, and the clerk of the court shall cause (A) a copy of such  
345 order to be sent to the victim, and (B) a copy of such order, or the  
346 information contained in such order, to be sent by facsimile or other

means within forty-eight hours of its issuance to the law enforcement agency for the town in which the victim resides and, if the defendant resides in a town different from the town in which the victim resides, to the law enforcement agency for the town in which the defendant resides. If the victim is employed in a town different from the town in which the victim resides, the clerk of the court shall, upon the request of the victim, send, by facsimile or other means, a copy of such order, or the information contained in such order, to the law enforcement agency for the town in which the victim is employed not later than forty-eight hours after the issuance of such order. If the victim is enrolled in a public or private elementary or secondary school, including a technical high school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the victim, send, by facsimile or other means, a copy of such order, or the information contained in such order, to such school or institution of higher education, the president of any institution of higher education at which the victim is enrolled and the special police force established pursuant to section 10a-142, if any, at the institution of higher education at which the victim is enrolled.

Sec. 14. Section 52-146k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) As used in this section:

(1) ["Battered women's center"] "Domestic violence agency" means any office, shelter, host home or [center] agency offering assistance to [battered women] victims of domestic violence through crisis intervention, emergency shelter referral and medical and legal advocacy, and which meets the Department of Social Services criteria of service provision for such [centers] agencies.

(2) ["Battered women's counselor"] "Domestic violence counselor" means any person engaged in a [battered women's center] domestic violence agency (A) who has undergone a minimum of twenty hours of training which shall include, but not be limited to, the dynamics of

379 [battering] domestic violence, crisis intervention, communication  
380 skills, working with diverse populations, an overview of the state  
381 criminal justice system and information about state and community  
382 resources for [battered women] victims of domestic violence, (B) who  
383 is certified as a counselor by the [battered women's center which]  
384 domestic violence agency that provided such training, (C) who is  
385 under the control of a direct service supervisor of a [battered women's  
386 center] domestic violence agency, and (D) whose primary purpose is  
387 the rendering of advice, counsel and assistance to, and the advocacy of  
388 the cause of, [battered women] victims of domestic violence.

389 (3) "Confidential communication" means information transmitted  
390 between a victim of [a battering] domestic violence or a victim of a  
391 sexual assault and a [battered women's] domestic violence counselor  
392 or a sexual assault counselor in the course of that relationship and in  
393 confidence by a means which, so far as the victim is aware, does not  
394 disclose the information to a third person other than any person who is  
395 present to further the interests of the victim in the consultation or any  
396 person to whom disclosure is reasonably necessary for the  
397 transmission of the information or for the accomplishment of the  
398 purposes for which such counselor is consulted, and includes all  
399 information received by, and any advice, report or working paper  
400 given or made by, such counselor in the course of the relationship with  
401 the victim.

402 (4) "Rape crisis center" means any office, institution or center  
403 offering assistance to victims of sexual assault and their families  
404 through crisis intervention, medical and legal advocacy and follow-up  
405 counseling.

406 (5) "Sexual assault counselor" means (A) any person engaged in a  
407 rape crisis center who (i) has undergone a minimum of twenty hours  
408 of training which shall include, but not be limited to, the dynamics of  
409 sexual assault and incest, crisis intervention, communication skills,  
410 working with diverse populations, an overview of the state criminal  
411 justice system, information about hospital and medical systems and

412 information about state and community resources for sexual assault  
413 victims, (ii) is certified as a counselor by the sexual assault center  
414 which has provided such training, (iii) is under the control of a direct  
415 services supervisor of a rape crisis center, and (iv) whose primary  
416 purpose is the rendering of advice, counseling and assistance to, and  
417 the advocacy of the cause of, victims of sexual assault, or (B) any  
418 member of the armed forces of the state or the United States who is  
419 trained and certified as a victim advocate or a sexual assault  
420 prevention coordinator in accordance with the military's sexual assault  
421 prevention and response program.

422 (6) "Victim" means any person who consults a [battered women's]  
423 domestic violence counselor or a sexual assault counselor for the  
424 purpose of securing advice, counseling or assistance concerning a  
425 mental, physical or emotional condition caused by [a battering]  
426 domestic violence or a sexual assault.

427 (b) On or after October 1, 1983, a [battered women's] domestic  
428 violence counselor or a sexual assault counselor shall not disclose any  
429 confidential communications made to such counselor at any time by a  
430 victim in any civil or criminal case or proceeding or in any legislative  
431 or administrative proceeding unless the victim making the confidential  
432 communications waives the privilege, provided under no  
433 circumstances shall the location of the [battered women's center]  
434 domestic violence agency or rape crisis center or the identity of the  
435 [battered women's] domestic violence counselor or sexual assault  
436 counselor be disclosed in any civil or criminal proceeding. Any request  
437 made on or after October 1, 1983, by the defendant or the state for such  
438 confidential communications shall be subject to the provisions of this  
439 subsection.

440 (c) When a victim is deceased or has been adjudged incompetent by  
441 a court of competent jurisdiction, the guardian of the victim or the  
442 executor or administrator of the estate of the victim may waive the  
443 privilege established by this section.

444 (d) A minor may knowingly waive the privilege established by this  
445 section. In any instance where the minor is, in the opinion of the court,  
446 incapable of knowingly waiving the privilege, the parent or guardian  
447 of the minor may waive the privilege on behalf of the minor, provided  
448 [such] the parent or guardian is not the defendant and does not have a  
449 relationship with the defendant such that [he] the parent or guardian  
450 has an interest in the outcome of the proceeding.

451 (e) The privilege established by this section shall not apply: (1) In  
452 matters of proof concerning chain of custody of evidence; (2) in  
453 matters of proof concerning the physical appearance of the victim at  
454 the time of the injury; or (3) where the [battered women's] domestic  
455 violence counselor or sexual assault counselor has knowledge that the  
456 victim has given perjured testimony and the defendant or the state has  
457 made an offer of proof that perjury may have been committed by the  
458 victim.

459 (f) The failure of any party to testify as a witness pursuant to the  
460 provisions of this section shall not result in an inference unfavorable to  
461 the state's cause or to the cause of the defendant.

462 Sec. 15. Subsection (d) of section 54-209 of the general statutes is  
463 repealed and the following is substituted in lieu thereof (*Effective*  
464 *October 1, 2013*):

465 (d) In instances where a violation of section 53-21, 53a-70, 53a-70a,  
466 53a-70b, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a has been alleged,  
467 the Office of Victim Services or, on review, a victim compensation  
468 commissioner may order compensation be paid if (1) the personal  
469 injury has been disclosed to: (A) A physician or surgeon licensed  
470 under chapter 370; (B) a resident physician or intern in any hospital in  
471 this state, whether or not licensed; (C) a physician assistant licensed  
472 under chapter 370; (D) an advanced practice registered nurse,  
473 registered nurse or practical nurse licensed under chapter 378; (E) a  
474 psychologist licensed under chapter 383; (F) a police officer; (G) a  
475 mental health professional; (H) an emergency medical services

476 provider licensed or certified under chapter 368d; (I) an alcohol and  
477 drug counselor licensed or certified under chapter 376b; (J) a marital  
478 and family therapist licensed under chapter 383a; (K) a domestic  
479 violence counselor or a sexual assault counselor, [or battered women's  
480 counselor] as defined in section 52-146k, as amended by this act; (L) a  
481 professional counselor licensed under chapter 383c; (M) a clinical  
482 social worker licensed under chapter 383b; or (N) an employee of the  
483 Department of Children and Families; and (2) the office or  
484 commissioner, as the case may be, reasonably concludes that a  
485 violation of any of said sections has occurred.

486 Sec. 16. Section 18-87j of the general statutes is repealed and the  
487 following is substituted in lieu thereof (*Effective October 1, 2013*):

488 There is established a Criminal Justice Policy Advisory Commission  
489 which shall be within the Office of Policy and Management for  
490 administrative purposes only. The commission shall consist of the  
491 undersecretary of the Criminal Justice Policy and Planning Division  
492 within the Office of Policy and Management, the Chief Court  
493 Administrator, the Commissioner of Correction, the Commissioner of  
494 Public Safety, the Chief State's Attorney, the Chief Public Defender, the  
495 Commissioner of Mental Health and Addiction Services and the  
496 chairperson of the Board of Pardons and Paroles, or their designees,  
497 the executive director of the Court Support Services Division or other  
498 designee of the Chief Court Administrator and the following members,  
499 each of whom shall be appointed by the Governor: Three government  
500 officials, a police chief, [two] three persons representing offender and  
501 victim services within the private community and two public  
502 members. In addition, the Labor Commissioner and the Commissioner  
503 of Social Services, or their designees, shall be members of the  
504 commission with authority to deliberate and vote on matters  
505 concerning employment and entitlement programs available to adult  
506 and juvenile offenders who are reentering the community, and the  
507 Commissioner of Children and Families and the Commissioner of  
508 Education, or their designees, shall be members of the commission



509 with authority to participate and vote on matters concerning juvenile  
510 justice. The undersecretary of the Criminal Justice Policy and Planning  
511 Division shall serve as chairperson of the commission. The commission  
512 shall meet at such times as it deems necessary.

513 Sec. 17. (NEW) (*Effective July 1, 2013*) The Chief Court Administrator  
514 shall provide in each court where family matters or family violence  
515 matters are heard or where a domestic violence docket, as defined in  
516 section 51-181e of the general statutes, is located a secure office for  
517 victims of family violence crimes and advocates for victims of family  
518 violence crimes which is separate from any public or private area of  
519 the court intended to accommodate the respondent or defendant or the  
520 respondent's or defendant's family, friends, attorneys or witnesses and  
521 separate from the office of the state's attorney.

522 Sec. 18. Section 29-36k of the general statutes is repealed and the  
523 following is substituted in lieu thereof (*Effective October 1, 2013*):

524 (a) Not later than two business days after the occurrence of any  
525 event that makes a person ineligible to possess a pistol or revolver or  
526 other firearm, such person shall (1) transfer in accordance with section  
527 29-33 all pistols and revolvers which such person then possesses to any  
528 person eligible to possess a pistol or revolver and transfer in  
529 accordance with any applicable state and federal laws all other  
530 firearms to any person eligible to possess such other firearms by  
531 obtaining an authorization number for the sale or transfer of the  
532 firearm from the Commissioner of Emergency Services and Public  
533 Protection, and submit a sale or transfer of firearms form to said  
534 commissioner within two business days, except that a person  
535 [described in subdivision (3) of subsection (a) of section 53a-217]  
536 subject to a restraining or protective order or a foreign order of  
537 protection may only transfer a pistol, revolver or other firearm under  
538 this subdivision to a federally licensed firearms dealer pursuant to the  
539 sale of the pistol, revolver or other firearm to the federally licensed  
540 firearms dealer, or (2) deliver or surrender such pistols and revolvers  
541 and other firearms to the Commissioner of Emergency Services and

542 Public Protection. The commissioner shall exercise due care in the  
543 receipt and holding of such pistols and revolvers and other firearms.  
544 For the purposes of this section, a ["person described in subdivision (3)  
545 of subsection (a) of section 53a-217" means a person described in said  
546 subdivision, regardless of whether such person was convicted under  
547 said subdivision] "person subject to a restraining or protective order or  
548 a foreign order of protection" means a person who knows that such  
549 person is subject to (A) a restraining or protective order of a court of  
550 this state that has been issued against such person, after notice and an  
551 opportunity to be heard has been provided to such person, in a case  
552 involving the use, attempted use or threatened use of physical force  
553 against another person, or (B) a foreign order of protection, as defined  
554 in section 46b-15a, that has been issued against such person in a case  
555 involving the use, attempted use or threatened use of physical force  
556 against another person.

557 (b) Such person, or such person's legal representative, may, at any  
558 time up to one year after such delivery or surrender, transfer such  
559 pistols and revolvers in accordance with the provisions of section 29-33  
560 to any person eligible to possess a pistol or revolver and transfer such  
561 other firearms, in accordance with any applicable state and federal  
562 laws, to any person eligible to possess such other firearms, provided  
563 any [such person described in subdivision (3) of subsection (a) of  
564 section 53a-217] person subject to a restraining or protective order or a  
565 foreign order of protection, or such person's legal representative, may  
566 only transfer such pistol, revolver or other firearm to a federally  
567 licensed firearms dealer pursuant to the sale of the pistol, revolver or  
568 other firearm to the federally licensed firearms dealer. Upon  
569 notification in writing by the transferee and such person, the  
570 Commissioner of Emergency Services and Public Protection shall,  
571 within ten days, deliver such pistols and revolvers or other firearms to  
572 the transferee. If, at the end of such year, such pistols and revolvers or  
573 other firearms have not been so transferred, the commissioner shall  
574 cause them to be destroyed.

575 (c) Any person who fails to transfer, deliver or surrender any such  
576 pistols and revolvers and other firearms as provided in this section  
577 shall be subject to the penalty provided for in section 53a-217 or 53a-  
578 217c.

579 Sec. 19. Section 29-36n of the general statutes is repealed and the  
580 following is substituted in lieu thereof (*Effective October 1, 2013*):

581 (a) The Commissioner of Emergency Services and Public Protection,  
582 in conjunction with the Chief State's Attorney and the Connecticut  
583 Police Chiefs Association, shall develop a protocol to ensure that  
584 persons who become ineligible to possess a pistol or revolver or other  
585 firearm have, in accordance with section 29-36k, as amended by this  
586 act, transferred such pistol or revolver or other firearm to a person  
587 eligible to possess such pistol or revolver or other firearm or have  
588 delivered or surrendered such pistol or revolver or other firearm to  
589 said commissioner. Such protocol shall include provisions to ensure  
590 that a person who becomes ineligible to possess a pistol or revolver or  
591 other firearm because such person is subject to a restraining or  
592 protective order or a foreign order of protection, as defined in section  
593 29-36k, as amended by this act, transfers such pistol or revolver or  
594 other firearm, or delivers or surrenders such pistol or revolver or other  
595 firearm, pursuant to arrangements made with an organized local  
596 police department or the Division of State Police in advance of such  
597 transfer, delivery or surrender.

598 (b) The Commissioner of Emergency Services and Public Protection,  
599 in conjunction with the Chief State's Attorney and the Connecticut  
600 Police Chiefs Association, shall update the protocol developed  
601 pursuant to subsection (a) of this section to reflect the provisions of  
602 sections 29-7h, 29-28, 29-28a, 29-29, 29-30, 29-32 and 29-35, subsections  
603 (b) and (e) of section 46b-15, as amended by this act, subsections (c)  
604 and (d) of section 46b-38c, as amended by this act, and sections 53-  
605 202a, 53-202l, 53-202m and 53a-217 and shall include in such protocol  
606 specific instructions for the transfer, delivery or surrender of pistols  
607 and revolvers and other firearms when the assistance of more than one

608 law enforcement agency is necessary to effect the requirements of  
609 section 29-36k, as amended by this act.

610       Sec. 20. (*Effective from passage*) (a) Not later than May 31, 2014, the  
611 Chief Court Administrator shall assess the effectiveness of programs  
612 maintained by the Court Support Services Division within the Judicial  
613 Branch with respect to family violence, including, but not limited to,  
614 the pretrial family violence education program established in section  
615 46b-38c of the general statutes, as amended by this act, and the  
616 EVOLVE and EXPLORE programs. Such assessment shall consider  
617 findings from the Pew-MacArthur Results First Initiative's cost-benefit  
618 analysis model with respect to such programs. After conducting such  
619 assessment, the Chief Court Administrator shall determine whether  
620 any program changes may be implemented to improve the cost-  
621 effectiveness of such programs.

622       (b) Not later than June 30, 2014, the Chief Court Administrator shall  
623 submit a report, in accordance with section 11-4a of the general  
624 statutes, to the joint standing committees of the General Assembly  
625 having cognizance of matters relating to appropriations and the  
626 judiciary that (1) describes such assessment, (2) identifies any program  
627 changes implemented by the division as a result of such assessment,  
628 and (3) makes any recommendations that the Chief Court  
629 Administrator deems appropriate concerning statutory or program  
630 changes that may improve the cost-effectiveness of such programs.

631       Sec. 21. (*Effective from passage*) The Chief Court Administrator shall  
632 conduct an assessment of any training programs for judges and  
633 Judicial Branch staff related to family violence, including, but not  
634 limited to, the ongoing training program for judges, Court Support  
635 Services Division personnel and clerks established in subsection (j) of  
636 section 46b-38c of the general statutes, as amended by this act. At a  
637 minimum, such assessment shall compare such training programs to  
638 those of other northeastern states. Not later than December 31, 2013,  
639 the Chief Court Administrator shall submit a report on the assessment  
640 to the joint standing committee of the General Assembly having

641 cognizance of matters relating to the judiciary, in accordance with  
642 section 11-4a of the general statutes.

643       Sec. 22. (*Effective from passage*) (a) Not later than May 31, 2014, the  
644 Commissioner of Correction shall assess the effectiveness of each  
645 program maintained by the Department of Correction specifically for  
646 persons convicted of a family violence crime, as defined in section 46b-  
647 38a of the general statutes, who are committed to the custody of the  
648 Commissioner of Correction. Such assessment shall consider findings  
649 from the Pew-MacArthur Results First Initiative's cost-benefit analysis  
650 model with respect to such programs. After conducting such  
651 assessment, the Commissioner of Correction shall determine whether  
652 any program changes may be implemented to improve the cost-  
653 effectiveness of such programs.

654       (b) Not later than June 30, 2014, Commissioner of Correction shall  
655 submit a report, in accordance with section 11-4a of the general  
656 statutes, to the joint standing committees of the General Assembly  
657 having cognizance of matters relating to appropriations and the  
658 judiciary that (1) describes such assessment, (2) identifies any program  
659 changes implemented by the Department of Correction as a result of  
660 such assessment, and (3) makes any recommendations that the  
661 Commissioner of Correction deems appropriate concerning statutory  
662 or program changes that may improve the cost-effectiveness of such  
663 programs.

664       Sec. 23. (*Effective from passage*) (a) There is established a task force to  
665 study the feasibility of amending title 46b of the general statutes to  
666 permit a person other than a family or household member, as defined  
667 in section 46b-38a of the general statutes, to apply for a restraining  
668 order pursuant to section 46b-15 of the general statutes, as amended by  
669 this act. Such study shall include an evaluation of the feasibility of  
670 permitting victims of certain crimes, including sexual assault and  
671 stalking, who are not family or household members of the offender to  
672 obtain a restraining order pursuant to section 46b-15 of the general  
673 statutes.

674 (b) The task force shall consist of the following members:

675 (1) The cochairpersons and ranking members of the joint standing  
676 committee of the General Assembly having cognizance of matters  
677 relating to the judiciary, or their designees chosen from among the  
678 members of the committee;

679 (2) The Chief Court Administrator;

680 (3) The Chief State's Attorney, or the Chief State's Attorney's  
681 designee;

682 (4) Three members, one of whom shall represent the civil division of  
683 the Judicial Branch, one of whom shall represent the criminal division  
684 of the Judicial Branch and one of whom shall represent the family  
685 division of the Judicial Branch, each appointed by the Chief Justice of  
686 the Supreme Court; and

687 (5) Two representatives of Connecticut Sexual Assault Crisis  
688 Services, Inc., appointed by the executive director of Connecticut  
689 Sexual Assault Crisis Services, Inc.

690 (c) All appointments to the task force shall be made not later than  
691 thirty days after the effective date of this section. Any vacancy shall be  
692 filled by the appointing authority.

693 (d) The Chief Court Administrator shall serve as chairperson of the  
694 task force. The Chief Court Administrator shall schedule the first  
695 meeting of the task force, which shall be held not later than sixty days  
696 after the effective date of this section.

697 (e) The administrative staff of the joint standing committee of the  
698 General Assembly having cognizance of matters relating to the  
699 judiciary shall serve as administrative staff of the task force.

700 (f) Not later than February 5, 2014, the task force shall submit a  
701 report on its findings and recommendations to the joint standing

702 committee of the General Assembly having cognizance of matters  
 703 relating to the judiciary, in accordance with the provisions of section  
 704 11-4a of the general statutes. The task force shall terminate on the date  
 705 that it submits such report or February 5, 2014, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	46b-15(b)
Sec. 2	<i>October 1, 2013</i>	53a-32(a)
Sec. 3	<i>October 1, 2013</i>	54-203(b)(7)(K)
Sec. 4	<i>October 1, 2013</i>	46b-38c(j)
Sec. 5	<i>October 1, 2013</i>	47a-11e
Sec. 6	<i>October 1, 2013</i>	8-357(a)
Sec. 7	<i>October 1, 2013</i>	12-81(7)(B)
Sec. 8	<i>October 1, 2013</i>	17a-101(b)
Sec. 9	<i>October 1, 2013</i>	17b-112a(a)(1)
Sec. 10	<i>October 1, 2013</i>	17b-407(a)
Sec. 11	<i>October 1, 2013</i>	46a-11b(a)
Sec. 12	<i>October 1, 2013</i>	46b-38b(f)
Sec. 13	<i>October 1, 2013</i>	46b-38c(d)
Sec. 14	<i>October 1, 2013</i>	52-146k
Sec. 15	<i>October 1, 2013</i>	54-209(d)
Sec. 16	<i>October 1, 2013</i>	18-87j
Sec. 17	<i>July 1, 2013</i>	New section
Sec. 18	<i>October 1, 2013</i>	29-36k
Sec. 19	<i>October 1, 2013</i>	29-36n
Sec. 20	<i>from passage</i>	New section
Sec. 21	<i>from passage</i>	New section
Sec. 22	<i>from passage</i>	New section
Sec. 23	<i>from passage</i>	New section

**JUD**      *Joint Favorable Subst.*

**APP**      *Joint Favorable*